

**Statement of Michael J. Riley  
President  
Motor Transport Association of Connecticut  
Before  
The Joint Committee on Labor and Public Employees  
February 26, 2015**

**Re: Raised Bill No 6707 AN ACT CONCERNING THE LOSS  
OF AN OPERATOR LICENSE DUE TO A DRUG OR  
ALCOHOL TESTING PROGRAM AND UNEMPLOYMENT  
BENEFITS**

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents over 800 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

**MTAC supports this bill.**

We would like to thank the Labor Committee for raising this bill again this year. Last year it was part of a bill with some controversial sections which died in the end of session log jab. This year it's a stand along bill and we hope it can move out of this committee and to the floor for early action.

Our proposal, which covers a rare circumstance, is of great importance to those employers who must let a professional truck driver go, because that driver is convicted of driving under the influence in a passenger motor vehicle.



MICHAEL J. RILEY  
PRESIDENT

Under current law any holder of a commercial drivers license (CDL) convicted of driving under the influence of alcohol or drugs, **while operating a commercial motor vehicle**, loses his CDL. Under CGS Sec.31-236(a)14, inasmuch as the precipitating event occurred "in the course of employment", the claimant is disqualified from receiving unemployment compensation benefits.

**Under Federal Law 49 CFR Part 383.51, if a person loses his passenger car license because he has been convicted of driving his automobile under the influence of alcohol or drugs, he also loses his CDL. Even though the person is unable to perform the work for which he was hired, inasmuch as the precipitating event was NOT "in the course of employment", the person is eligible to receive unemployment benefits.**

The problem is that the employer's experience rate is adversely affected by the fact that the employer did what the law required. His UC Assessment goes up. The employer is, in effect, being punished for doing what the law requires.

A good safe professional truck driver is a valuable employee. This is especially true of those drivers who haul hazardous materials like petroleum products. They require special skills and must pass separate requirements for endorsements on their license. They are hard to find. They are hard to train. They are hard to replace. And, no company wants to lose a good one.

However, if that driver is convicted of DUI in a passenger car, he cannot drive a truck for at least a year. In this case, the employer is not firing the driver, he isn't laying him off for lack of work and he is not disciplining him. The company is following the letter of the law and letting the driver go. It's not right that that company's employment record should be adversely affected.

We have discussed this bill with the Department of Labor, The State Labor Council AFL-CIO, CBIA and other organizations that represent businesses that employ CDL drivers. We believe this is a fair and responsible way to comply with all of the provisions of the law without disadvantaging any Connecticut businesses which is just doing what the law requires.



MICHAEL J. RILEY  
PRESIDENT

Because this is a rare occurrence, we believe that this bill would have a negligible impact on the total pool of employers whose assessments provide resources of the Unemployment Compensation Fund.

We respectfully request that the Labor Committee pass this bill, this session, so that the Department of Labor would not be required to charge back an employer for the benefits awarded to a CDL driver, who was disqualified because of a conviction of a DUI in a car.

Thank you

